

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ARCZAR LLC,

Plaintiff,

v.

**SONY COMPUTER
ENTERTAINMENT INC. AND SONY
COMPUTER ENTERTAINMENT
AMERICA LLC,**

Defendants.

Civil Action No. 2:12-cv-787

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

This is an action for patent infringement in which Arczar LLC (“Arczar”) makes the following allegations against Sony Computer Entertainment America Inc. and Sony Computer Entertainment America LLC:

PARTIES

1. Plaintiff Arczar is a Texas limited liability company having a principal place of business of 104 East Houston Street, Suite 170, Marshall, Texas 75670.

2. On information and belief, Defendant Sony Computer Entertainment America Inc. is a Delaware corporation with its principal place of business at 919 E. Hillsdale Blvd., Foster City, California 94404. Sony Computer Entertainment America Inc. may be served through its agent for service of process Corporation Service Company, 2711 Centerville Rd., Ste. 400, Wilmington, Delaware 19808.

3. On information and belief, Defendant Sony Computer Entertainment America LLC is a subsidiary of Sony Computer Entertainment America Inc. and a

Delaware limited liability company with its principal place of business at 919 E. Hillsdale Blvd., Foster City, California 94404. Sony Computer Entertainment America LLC may be served through its agent for service of process Corporation Service Company, 2711 Centerville Rd., Ste. 400, Wilmington, Delaware 19808. Hereinafter, Sony Computer Entertainment America Inc. and Sony Computer Entertainment America LLC are collectively referred to as “Defendants.”

JURISDICTION AND VENUE

4. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b). On information and belief, each Defendant has transacted business in this district, and has committed acts of patent infringement in this district.

6. On information and belief, each Defendant is subject to this Court’s specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to their substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

COUNT I

INFRINGEMENT OF U.S. PATENT NO. 6,037,936

7. Plaintiff is the exclusive licensee of United States Patent No. 6,037,936 (“the ’936 Patent”) entitled “Computer Vision System with a Graphic User Interface and

Remote Camera Control” and possesses all rights of recovery under the ’936 patent, including the right to sue for infringement and recover past damages. The ’936 Patent issued on March 14, 2000. A true and correct copy of the ’936 Patent is attached as Exhibit A.

8. Upon information and belief, Defendants have been and now are infringing the ’936 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, making, using, providing, offering to sell, and/or selling (directly or through intermediaries) the Sony Playstation Vita and accompanying augmented reality software, which when operated, addresses a scene with a computer vision system, forms an image of the scene, generates a graphical user interface, combines the image of the scene with the graphical user interface to form a composite image, and displays the composite image in a display field. Defendants are directly infringing, literally infringing, and/or infringing the ’936 Patent under the doctrine of equivalents. Defendants are thus liable for infringement of the ’936 Patent pursuant to 35 U.S.C. § 271.

9. To the extent that facts learned in discovery show that Defendants’ infringement of the ’936 Patent is, or has been willful, Plaintiff reserves the right to request such a finding at the time of trial.

10. As a result of Defendants’ infringement of the ’936 Patent, Plaintiff has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendants’ infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendants, together with interest and costs as fixed by the court.

COUNT II

INFRINGEMENT OF U.S. PATENT NO. 7,916,138

11. Plaintiff is the exclusive licensee of United States Patent No. 7,916,138 (“the ’138 Patent”) entitled “Electro-Optic Vision Systems” and possesses all rights of recovery under the ’138 patent, including the right to sue for infringement and recover past damages. The ’138 Patent issued on March 29, 2011. A true and correct copy of the ’138 Patent is attached as Exhibit B.

12. Upon information and belief, Defendants have been and now are infringing the ’138 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, making, using, providing, offering to sell, and/or selling (directly or through intermediaries) the Sony Playstation Vita and accompanying augmented reality software. Defendants are directly infringing, literally infringing, and/or infringing the ’138 Patent under the doctrine of equivalents. Defendants are thus liable for infringement of the ’138 Patent pursuant to 35 U.S.C. § 271.

13. To the extent that facts learned in discovery show that Defendants’ infringement of the ’138 Patent is, or has been willful, Plaintiff reserves the right to request such a finding at the time of trial.

14. As a result of Defendants’ infringement of the ’138 Patent, Plaintiff has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendants’ infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendants, together with interest and costs as fixed by the court.

COUNT III

INFRINGEMENT OF U.S. PATENT NO. 5,682,332

15. Plaintiff is the exclusive licensee of United States Patent No. 5,682,332 (“the ’332 Patent”) entitled “Vision Imaging Devices and Methods Exploiting Position and Attitude” and possesses all rights of recovery under the ’332 patent, including the right to sue for infringement and recover past damages. The ’332 Patent issued on October 28, 1997. A true and correct copy of the ’332 Patent is attached as Exhibit C.

16. Upon information and belief, Defendants have been and now are infringing the ’332 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, making, using, providing, offering to sell, and/or selling (directly or through intermediaries) the Sony PlayStation Vita and accompanying augmented reality software. Defendants are directly infringing, literally infringing, and/or infringing the ’332 Patent under the doctrine of equivalents. Defendants are thus liable for infringement of the ’332 Patent pursuant to 35 U.S.C. § 271.

17. To the extent that facts learned in discovery show that Defendants’ infringement of the ’332 Patent is, or has been willful, Plaintiff reserves the right to request such a finding at the time of trial.

18. As a result of Defendants’ infringement of the ’332 Patent, Plaintiff has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendants’ infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendants, together with interest and costs as fixed by the court.

COUNT IV

INFRINGEMENT OF U.S. PATENT NO. 6,031,545

19. Plaintiff is the exclusive licensee of United States Patent No. 6,031,545 (“the ’545 Patent”) entitled “Vision System for Viewing a Sporting Event” and possesses all rights of recovery under the ’545 patent, including the right to sue for infringement and recover past damages. The ’545 Patent issued on February 29, 2000. A true and correct copy of the ’545 Patent is attached as Exhibit D.

20. Upon information and belief, Defendants have been and now are infringing the ’545 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, making, using, providing, offering to sell, and/or selling (directly or through intermediaries) the Sony PlayStation Vita and accompanying augmented reality software. Defendants are directly infringing, literally infringing, and/or infringing the ’545 Patent under the doctrine of equivalents. Defendants are thus liable for infringement of the ’545 Patent pursuant to 35 U.S.C. § 271.

21. To the extent that facts learned in discovery show that Defendants’ infringement of the ’545 Patent is, or has been willful, Plaintiff reserves the right to request such a finding at the time of trial.

22. As a result of Defendants’ infringement of the ’545 Patent, Plaintiff has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendants’ infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendants, together with interest and costs as fixed by the court.

COUNT V

INFRINGEMENT OF U.S. PATENT NO. 7,301,536

23. Plaintiff is the exclusive licensee of United States Patent No. 7,301,536 (“the ’536 Patent”) entitled “Electro-Optic Vision System” and possesses all rights of recovery under the ’536 patent, including the right to sue for infringement and recover past damages. The ’536 Patent issued on November 27, 2007. A true and correct copy of the ’536 Patent is attached as Exhibit E.

24. Upon information and belief, Defendants have been and now are infringing the ’536 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, making, using, providing, offering to sell, and/or selling (directly or through intermediaries) the Sony PlayStation Vita and accompanying augmented reality software. Defendants are directly infringing, literally infringing, and/or infringing the ’536 Patent under the doctrine of equivalents. Defendants are thus liable for infringement of the ’536 Patent pursuant to 35 U.S.C. § 271.

25. To the extent that facts learned in discovery show that Defendants’ infringement of the ’536 Patent is, or has been willful, Plaintiff reserves the right to request such a finding at the time of trial.

26. As a result of Defendants’ infringement of the ’536 Patent, Plaintiff has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendants’ infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendants, together with interest and costs as fixed by the court.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter:

1. A judgment in favor of Plaintiff that Defendants have infringed the '936, '138, '332, '545, and '536 Patents;
2. A judgment and order requiring Defendants pay Plaintiff its damages, costs, expenses, and prejudgment and post-judgment interest for Defendants' infringement of the '936, '138, '332, '545, and '536 Patents as provided under 35 U.S.C. § 284;
3. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Plaintiff its reasonable attorneys' fees; and
4. Any and all other relief, at law or equity, to which Plaintiff may show itself to be entitled.

DEMAND FOR JURY TRIAL

Arczar, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

DATED December 10, 2012.

Respectfully submitted,

By: \s\ Hao Ni

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